

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**PARKERSBURG DIVISION**

WILLIAM CUNNINGHAM,

Plaintiff,

v.

CIVIL ACTION NO. 6:05-cv-00940

PARKERSBURG HOUSING AUTHORITY,

Defendant.

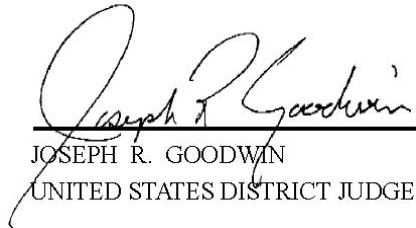
**ORDER**

Pending before the court are plaintiff's Motion for Summary Judgment [Docket 21], defendant's Motion to Dismiss [Docket 22], and plaintiff's Motion for Full Adjudication [Docket 24]. This action was referred to the Honorable Mary E. Stanley, United States Magistrate Judge, for submission to this court of proposed findings of fact and recommendations for disposition, pursuant to 28 U.S.C. § 636(b)(1) (2006). On February 14, 2007, the Magistrate Judge submitted findings of fact and recommended that this court **GRANT** the defendant's motion to dismiss plaintiff's claims based on Equal Protection and the Ex Post Facto clause of the United States Constitution and **DENY** both of plaintiff's motions. On February 20, 2007, the plaintiff filed an objection pursuant to 28 U.S.C. § 636(b)(1) to the Magistrate Judge's findings. After reviewing the Magistrate Judge's findings and plaintiff's objection *de novo*, I find plaintiff's objection is without merit.

Accordingly, the court accepts and incorporates herein the findings and recommendations of the Magistrate Judge. The court **GRANTS** defendant's Motion to Dismiss the plaintiff's claims and **DENIES** plaintiff's Motion for Summary Judgment and **DENIES** plaintiff's Motion for Full Adjudication.

The court **DIRECTS** the Clerk to send a copy of this Order to Magistrate Judge Stanley, counsel of record, and any unrepresented parties.

ENTER: March 6, 2007



JOSEPH R. GOODWIN  
UNITED STATES DISTRICT JUDGE